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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,252	02/21/2007	David Gibb	39512	7820
116 7590 01/04/2010 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER BUCHANAN, CHRISTOPHER R	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 01/04/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,252

Applicant(s)

GIBB, DAVID

Examiner

CHRISTOPHER R. BUCHANAN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-37 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date 1/19/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asher (US 4,891,755) in view of official notice.

Regarding claim 1, Asher discloses a dispensing system with at least one dispenser (generally shown in Fig. 1) for articles that are to be dispensed (beer cans, wine bottles, etc., col. 2 line 3-9), in the form of a minibar (see abstract), the dispensing system being connected to an administering system for billing dispensed articles (hotel central computer receives information regarding removal of items from dispensing system to enable billing for the items), wherein the dispenser includes at least one store area (space holding various items in minibar, col. 2 line 1+) which allows simultaneous storage of several different items (various drinks stored, col. 2 line 3-9), whereby the items can be removed and placed back after inspection by the customer without being charged for the item (guest can remove item and return it and not be charged, col. 2 line 28-36) and the items can be freely positioned in the store area. The store area is monitored by a detection device (weighing system (12) and central computer, col. 2 line 10-17) which is able to detect after a certain amount of time whether an article has been

removed (removal recorded after a time lag, col. 2 line 28-36), wherein the detection device comprises a detecting sensor arrangement (13, strain gauges, etc., col. 2 line 65) that generates a signal identifying the removal of an item (gauge determines a change in weight which is related to removal of a particular item, col. 2 line 10-27) and a data processing unit (central computer) that processes the signal to determine removal of an item for the purpose of billing (strain gauge output passed to central computer, col. 2 line 66+, computer determines removal of an item and bills guest).

The system of Asher differs from the instant invention in that the administering system and the data processing unit are not shown to be separate components (central computer performs functions of both).

However, the examiner gives official notice that it is well-known to make separate components integral and *vice versa*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the administering system and data processing unit separate components, as suggested by official notice, because these are well-known features and combining these features with the other teachings of the prior art would merely yield predictable results.

Regarding claim 2, the detection device can determine the identity of the removed item (col. 2 line 3-9). Regarding claim 3, the sensor arrangement sends a signal to the data processing unit to determine the identity and number of removed articles. The particular features of the signals and calculation process would be matters of design choice since these features have not been shown to serve any particular

purpose or solve any stated problem. Regarding claim 4, the store area is carried by a means for measuring the load on the store area (stand 12 includes strain gauges) and a data processing unit that compares an actual load with a previous load to determine the removal of an item (col. 2 line 10-27). Regarding claims 5-24, the sensor arrangement includes strain gauges, load cells, or transducers (col. 2 line 65), however, a variety of other technologies are well-known for this purpose, such as RFID, imaging, and magnetic detection devices. Because these are well-known features it would be obvious to one of ordinary skill in the art to combine these features with the other teachings of the prior art and the combination would merely yield predictable results. Regarding claims 25-37, the particular features of the design and functioning of the dispensing system (having intermediate processing systems, sending signals of various types, including separate compartments, etc.), as recited in these claims, would be matters of design choice since these features have not been shown to serve any particular purpose or solve any stated problem.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on PTO Form 892 enclosed herewith.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. BUCHANAN whose telephone

number is (571)272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. R. B./
Examiner, Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627